

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Docket No. 16-ALJ-30-0293-AP

L'Tonya Scott,Appellant,

v.

**South Carolina Public Employee Benefit Authority,
Employee Insurance Program,..... Respondent.**

**MOTION TO AMEND RESPONDENT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL AND TO SUPPLEMENT
THE RECORD ON APPEAL**

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Attorneys for Respondent

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SC Court of Appeals

Respondent South Carolina Public Employee Benefit Authority, Employee Insurance Program (“Respondent”) moves, pursuant to Rule 240 of the South Carolina Rules of Appellate Procedure, to file an Amended Designation of Matter to be Included in the Record on Appeal and to supplement the Record on Appeal. Respondent bases this motion on the following grounds:

- (1) On July 26, 2017, Respondent filed its Initial Brief and Designation of Matter to be Included in the Record on Appeal.
- (2) On or about September 5, 2017, Appellant L’Tonya Scott (“Appellant”) served the Record on Appeal on Respondent.
- (3) Upon receipt and review of the Record on Appeal, counsel for Respondent discovered that documents from the lower court¹ proceeding, which were cited in Respondent’s Initial Brief, were inadvertently omitted from Respondent’s Designation of Matter to be Included in the Record on Appeal. Specifically, Item 5 in Respondent’s Designation of Matter to be Included in the Record on Appeal did not include pages 268, 277-78, 325-28, 329-32, and 519 from the Record on Appeal filed with the ALC in the underlying matter; however, each of these documents was cited in Respondent’s Initial Brief.
- (4) In order for this Court to properly consider the merits of the arguments set forth in Respondent’s Initial Brief, it is necessary for the documents identified above to be included in the Record on Appeal. Accordingly, Respondent requests that the Court allow Respondent to file an Amended


¹ The South Carolina Administrative Law Court (the “ALC”).

Designation of Matter to be Included in the Record on Appeal and further allow Respondent to supplement the Record on Appeal with the documents identified above.

- (5) Respondent is prepared to file its Amended Designation of Matter to be Included in the Record on Appeal and to supplement the Record on Appeal within seven (7) days of the Court's granting of this motion.
- (6) Counsel for Respondent has consulted with Appellant's counsel regarding this request to file an Amended Designation of Matter to be Included in the Record on Appeal and to supplement the Record on Appeal and Appellant's counsel has consented to each request.

For these reasons, Respondent respectfully requests that this Court grant this motion and allow Respondent to file an Amended Designation of Matter to be Included in the Record on Appeal and to supplement the Record on Appeal.

September 18, 2017



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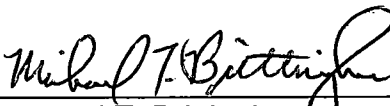
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PROOF OF SERVICE

I certify that I have served the Motion to Amend Respondent's Designation of Matter to Be Included in the Record on Appeal and to Supplement the Record on Appeal on Appellant L'Tonya Scott by depositing a copy of same in the United States Mail, postage prepaid, on September 18, 2017, addressed to Appellant's attorney of record, M. Leila Louzri, Esquire, Foster Law Firm, LLC, Post Office Box 2123, Greenville, South Carolina 29602.

September 18, 2017



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VIA HAND DELIVERY

September 18, 2017

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

**Re: L'Tonya Scott v. South Carolina Public Employee Benefit
Authority, Employee Insurance Program
Appellate Case No. 2017-000780**

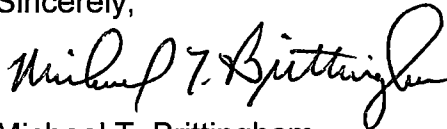
Dear Ms. Kitchings:

Please find enclosed the original and seven (7) copies of the following documents in the above-referenced case:

1. Motion to Amend Respondent's Designation of Matter to Be Included in the Record of Appeal and to Supplement the Record on Appeal, and Proof of Service; and
2. Motion for Extension of Time for Filing of Final Briefs, and Proof of Service.

Please file the originals and return one file-stamped copy to our courier. By copy of this letter, we are serving Appellant's counsel with a copy of each of the documents referenced above. Please contact me if you have any questions or if I can be of assistance.

Sincerely,



Michael T. Brittingham

MTB:gb
Enclosures

cc: M. Leila Louzri, Esquire – (w/encls., via U.S. Mail)

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